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Committee on Economic, Social and Cultural Rights

Fifty-seventh session

Summary record (partial)* of the 5th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 February 2016, at 10 a.m.

Chair: Mr. Sadi

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The meeting was called to order at 10.05 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Namibia (continued) (E/C.12/NAM/1; E/C.12/NAM/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Namibia took places at the Committee table.*

2. **Ms. Pickering** (Namibia), responding to questions put by Committee members during the previous meeting, said that numerous efforts had been made to combat traditional gender stereotypes and implement the national gender policy: gender-sensitive budgeting had been introduced and gender equality awareness-raising campaigns conducted. However, progress had been hampered by the absence of an effective national gender-mainstreaming programme, the lack of data disaggregated by sex and the limited human and financial resources available. To address such challenges, the Government had appointed 48 focal points to promote gender equality at a local and regional level and had conducted training on data collection and gender equality issues for key government staff.

3. **Mr. Ndjoze** (Namibia) said that the Constitution guaranteed the independence of the judiciary and stressed that there had been no interference in judicial affairs by the executive or other individuals. The decision to suspend the Southern African Development Community Tribunal was taken by all the Southern African Development Community member States during the 2010 Heads of State Summit. The Namibian Government was therefore not in a position to comment on whether the suspension would be reversed in the future.

4. **Mr. Kayala** (Namibia) said that, owing to the country's limited human and financial resources, the national labour force survey was not always conducted on an annual basis. The delegation could however provide the Committee with up-to-date employment figures disaggregated by sex and age at a later date if required. There was a total of 188 labour inspectors who were responsible for monitoring working conditions in a variety of workplaces. Their mandate and powers were clearly set forth in the Labour Act. The Act also provided for the right to freedom of association and the establishment of trade unions. There were two national federations of trade unions, namely the National Union of Namibian Workers and the Trade Union Congress of Namibia.

5. **Ms. Likando** (Namibia) said that, in addition to loans for the purchase of farm land, the Agricultural Bank of Namibia provided livestock and equipment loans to farmers. It also provided support to small-scale farmers aimed at increasing their productivity and had appointed 34 mentors who offered tailored productivity training to farmers across the country.

6. **Ms. Pickering** (Namibia) said that the Married Persons Equality Act had abolished the concept of marital power, by virtue of which the husband had previously exercised authority over the property of his wife, and provided that married women could acquire and own land independently. The Communal Land Reform Act set forth the land rights of women who had been married under customary law and stipulated that they had the right to inherit land owned by their deceased partner. Notwithstanding the progress made in relation to women's land rights, the Government recognized that more work was required to guarantee women's equal access to land and property ownership and it remained committed to taking the necessary steps in that regard.

7. Over recent years, concerted efforts had been made to improve access to water and sanitation. Unfortunately, there were still sharp disparities in access to basic services between rural and urban areas. For example, some 97.5 per cent of urban households had access to clean drinking water compared to 75.5 per cent of rural households, and more than 76 per cent of rural households did not have access to adequate sanitation facilities compared to 14 per cent of urban households. The Government recognized that great improvements were needed and aimed to substantially improve access to water and sanitation in rural areas by 2017. As a starting point, numerous potable water points had been installed in rural communities across the country.

8. **Mr. Tjivambi** (Namibia) said that women who had been sterilized without their consent had been awarded compensation. There had been no subsequent reports of forced sterilizations in recent years.

9. **Ms. Negumbo** (Namibia) said that the Government used data derived from household consumption expenditure as an indicator of living standards and as a means of monitoring the impact of its poverty reduction strategies. Between 1993 and 2010, there had been a significant shift in the distribution of income, which had led to an overall increase in living standards and a reduction in the number of persons living below the poverty line.

10. **Ms. Pickering** (Namibia) said that the Child Care and Protection Act would be enacted as soon as the attendant implementing regulations had been adopted. The Act provided for the establishment of a juvenile justice system and offered protection against harmful cultural practices such as female genital mutilation. The Government had also appointed a Children's Advocate within the Ombudsman's Office who was responsible for handling reports of female genital mutilation and combating such harmful cultural practices.

11. The 2011 update to the Government's policy on early childhood development and education had reinstated State-run pre-primary schools, which were completely free of charge and staffed by teachers who held a qualification in early childhood education from the Namibian College of Open Learning. The introduction of free secondary education had been delayed because of financial constraints, but had been completed in 2016. The requirement for children to be taught in their mother tongue placed a significant burden on the Government because 16 different languages were spoken in Namibia. Nevertheless, all children in grades one to five received teaching in the local language, with particular attention being paid to marginalized groups, and teaching materials in the various languages were being developed. Teachers could complete additional training through the Namibian College of Open Learning. Although there was a policy on vocational training, more work was needed to raise awareness of its benefits and to reduce the stigma surrounding it. There was a variety of vocational training centres in the country, including the Namibian Institute of Mining and Technology, where a large number of students were enrolled.

12. **Ms. Böhlke-Möller** (Namibia) said that, although there were no statistics on Internet access, the World Economic Forum had reported that the country possessed a robust network and enjoyed the third highest rate of Internet usage in the region. The Government was working to provide Internet access for all citizens and to equip schools with computers. There were currently 141 post offices located throughout Namibia. Given the country's large surface area and relatively small population, providing access to the Internet and to post offices required time and resources.

13. **Ms. Pickering** (Namibia) said that the national human rights action plan had identified disability as an area of concern, citing, inter alia, discrimination against persons with disabilities in the area of employment, their underrepresentation in the workplace and the effectiveness or otherwise of the National Disability Council. The

plan aimed to improve the information available on the rights of persons with disabilities, gather information on the extent of violations of those rights, undertake awareness-raising activities among the general public and implement legal and regulatory reform to give effect to the non-discrimination provisions contained in international and regional instruments. To that end, it provided for an assessment of the physical accessibility of buildings and workplaces and the establishment of a commission to conduct research into discrimination against persons with disabilities and provide relevant recommendations. A Deputy Minister of Disability Affairs, herself a person with a disability, had been appointed. Although there were no plans to pass anti-discrimination legislation that protected all of the groups not listed in the Constitution, they were all addressed in the national human rights action plan.

14. **Mr. Pillay** said that little progress seemed to have been made in closing the wide gap between rich and poor in Namibia. The Government did not appear willing to address poverty, which was particularly prevalent in rural areas in the north of the country, and had failed to resolve the issues observed during visits by United Nations Special Rapporteurs. The responses given so far to requests for information on the progress made in that regard had been very vague, and so he would like to know what specific measures had been adopted since 2013 to eradicate poverty.

15. **Mr. De Schutter** asked whether support was provided for local agricultural markets, whether school meals programmes sourced food from small farmers, how agricultural and food policies were drawn up and whether the Namibian National Farmers Union was involved in that process. He requested statistics on the number of small farmers who held the title to their land.

16. **Ms. Bras Gomes** said that, although gender mainstreaming was a positive step, affirmative action and policies for specific groups of women should also be implemented. Investment in the compiling of disaggregated data, while costly, would be worthwhile because it would allow the impact of national policies to be evaluated. Disaggregated data should be based on the indicators identified by the Office of the United Nations High Commissioner for Human Rights.

17. **Mr. Schrijver** (Country Rapporteur), noting with satisfaction that the Office of the Ombudsman had been granted A status in its function as the national human rights institution, said that he wished to highlight the concerns of the Subcommittee on Accreditation that the Ombudsman's mandate did not extend to all economic, social and cultural rights and the length of that mandate was not limited by law; that the Office of the Ombudsman could not recruit its own staff; and that its budget was insufficient and did not come from a well-defined source. He asked how many workers were members of the country's two main trade unions.

18. **Mr. Uprimny** asked what strategies had been implemented to address the imbalance between rich and poor in terms of infant mortality rates and access to quality health-care services. Noting that the State party's economy seemed to be experiencing jobless growth, he asked whether the Government was considering ways of addressing the high levels of unemployment and informal employment in the country.

19. **Mr. Atangana** noted with satisfaction the delegation's recognition of the need to combat domestic violence and requested further statistical data on that subject.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

20. **Ms. Böhlke-Möller** (Namibia) said that a new Ministry of Poverty Eradication and Social Welfare had recently been established and that the Government had identified both poverty eradication and housing as top priorities. A committee had been set up to review matters concerning the ownership and occupation of land, and the related problems were expected to be resolved in the next few years.

21. **Mr. Ndjoze** (Namibia) said that information on the strategies used to guarantee the right to food would be provided in writing following consultations with the Ministry of Agriculture.

22. **Ms. Pickering** (Namibia) said that, in 2007, the Ministry of Gender Equality and Child Welfare had conducted a study on gender-based violence covering 8 of the country's 13 regions. According to the results, nearly 70 per cent of respondents had experienced some form of gender-based violence, including about 34 per cent who had experienced physical or sexual violence inflicted by a partner. More than 40 per cent of the respondents believed that a husband would be justified in slapping his wife if he found out that she had been unfaithful. The Demographic Health Survey had produced similar data, indicating that further education and awareness-raising about gender-based violence was needed. There was little evidence that women living with HIV were subjected to increased levels of physical violence. Another study had been conducted in 2009 on traditional practices that might promote or aggravate gender-based violence, and the results of that study could be provided in writing if desired.

23. She would share the Committee's observations with the Office of the Ombudsman and with the relevant political stakeholders so as to avoid any situation in which the Office might risk losing its A status. It had recently been allocated additional human resources, enabling it to draft a white paper on the rights of marginalized communities and speed up the process of drafting the national human rights action plan.

24. **Mr. Dyakugha** (Namibia), speaking about the erection of illegal fences, said that he could provide statistical data only on the area around the Tsumkwe settlement, which was predominantly inhabited by the San people. Since 2012, a total of 120 illegal fences had been identified in that area, mostly as a result of joint investigations carried out by the communal land board and the police in accordance with the Communal Land Reform Act. Notices had been served to the persons concerned informing them that they must remove the fences. Thus far, 39 fences had been removed voluntarily. A number of court cases were currently under way in relation to the remaining fences. Most of those had been abandoned by the persons who had erected them, and in some cases the gates had been removed. Thanks to the awareness-raising and consultation efforts of the communal land board, very few illegal fences had been erected in the area since 2013.

25. **Mr. Kayala** (Namibia) said that there were about 600,000 workers employed in Namibia. Of those, 60,000 to 70,000 belonged to the National Union of Namibian Workers, while 20,000 belonged to the Trade Union Congress of Namibia.

26. **Ms. Böhlke-Möller** (Namibia) said that answers to the questions on infant mortality would be provided in writing.

27. **Mr. Tjivambi** (Namibia) said that all Namibian citizens had the right to access health care, even if they lacked the means to pay for it. In an effort to address the gap in quality between public and private health-care facilities, the Government was conducting a major human resources development and recruitment campaign and had set targets for the number of Namibian health-care professionals to be trained by 2017, in addition to those who would be recruited from other countries. As the shortage of human resources was a major factor contributing to the poor quality of health care, those efforts were expected to improve the situation in that regard. In addition, the Government would also be improving the conditions of service for health-care professionals in rural areas as an incentive for professionals to take up posts in those areas.

28. **Ms. Böhlke-Möller** (Namibia) said that her delegation would provide information in writing on the strategy to reduce unemployment.

29. **Mr. Schrijver**, thanking the delegation for its very relevant replies to the Committee's questions, said that he noted that the dialogue was a special one, as it was

the first time that the State party's representatives had met with the Committee. While the submission of the State party's report had been long overdue, he believed that the exercise had been beneficial for the Committee, the Government and Namibian civil society, and he hoped that the next periodic report would not be similarly delayed.

30. **Ms. Böhlke-Möller** (Namibia) said that she thanked the Committee members for their input and constructive engagement and hoped her delegation had succeeded in providing comprehensive answers to most of the Committee's questions. The questions that remained pending would be answered in writing. Her Government looked forward to receiving the Committee's concluding observations and would disseminate them to the relevant ministries. She wished to reaffirm her Government's commitment to the promotion and protection of economic, social and cultural rights in the country.

31. **The Chair** said that, as it was the first time the State party had presented a report for consideration by the Committee, he hoped that it had been a valuable learning process for the delegation. At the consideration of the next periodic report of Namibia, which he hoped would be submitted in a more timely manner than the initial report, the State party should describe the actions that it was currently taking and had already taken to give effect to the Covenant rights, rather than merely expressing its intentions and plans for the future. The delegation had referred to certain peoples in the country as marginalized. From the Committee's viewpoint, States parties were required to make special efforts to address the needs of marginalized peoples, and he hoped that the Government would embrace that approach.

The discussion covered in the summary record ended at 12.10 p.m.